

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

RALPH LYNCH,

Petitioner, : Case No. 2:07-cv-948

- vs -

District Judge Michael R. Barrett
Magistrate Judge Michael R. Merz

STEWART HUDSON, Warden,

:
Respondent.

ORDER

This capital habeas corpus case is before the Court on Petitioner's Second Motion to Hold Rule 60(b) Filing in Abeyance (ECF No. 115). Petitioner seeks to stay the filing of a 60(b) motion because he objects "to the appropriateness of a Rule 60(b) motion for raising the applicability of *Hall v. Florida*, 134 S.Ct. 1986 (2014) and *Brumfield v. Cain*, 135 S.Ct. 2269 (2015), to his claim of having intellectual disability." (ECF No. 116, PageID 2015). Petitioner's First Motion for this relief was denied for failure to comply with S. D. Ohio Civ. R. 7.3, but now Petitioner's counsel have complied and Warden's counsel has agreed.

It is accordingly ORDERED that the Court's prior Order that Petitioner file a motion under Fed. R. Civ. P. 60(b) raising his claims that Hall and Brumfield apply to this case be, and it hereby is AMENDED to set the date for filing to fourteen days after the District Judge's ruling on Lynch's above-mentioned objection.

IT IS SO ORDERED.

August 29, 2016.

s/ *Michael R. Merz*
United States Magistrate Judge